

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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VIA ECF

June 26, 2020

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Plaintiffs write to submit a revised proposed order in connection with their letter motion for 8 U.S.C. §1202(f) certification of certain documents identified as responsive to Plaintiffs' subpoena on the Federal Bureau of Investigation concerning Abdullah al-Jraithen aka Jaithen. ECF No. 6269.

Yesterday the PECs were advised by the Department of Justice that the Abdullah al-Jraithen aka Jaithen documents at issue are in the FBI's possession; that that FBI sent the documents to the Department of State and Customs and Border Patrol for their review; and, that the Department of State advised the FBI that the records were subject to the confidentiality restrictions of 8 U.S.C. §1202(f).

We therefore revised the proposed order to reflect these facts.

Prior to filing this letter with the Court, the PECs sent copy to DOJ counsel AUSA Jeannette Vargas, Esq., who "confirmed with the FBI that nothing in the revised order. . .or the letter to the Court submitting the revised order, is subject to the FBI Protective Order."

The Honorable Sarah Netburn

June 26, 2020

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Respectfully submitted,

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MDL 1570 Plaintiffs' Exec. Committee
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Enclosure

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MDL 1570 Plaintiffs' Exec. Committee
for Personal Injury and Death Claims

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case [PROPOSED] <u>ORDER</u>
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This document relates to: All Actions

The Court, having received the Plaintiffs' June 12, 2020 and June 26, 2020 letters requesting that this Court enter a certification pursuant to 8 U.S.C. §1202(f)(1) and, learning that the Federal Bureau of Investigation (FBI) identified certain records concerning Abdullah al-Jraithen aka Jaithen (Jaithen) responsive to Plaintiffs' subpoena, and that the FBI referred those documents to the Department of State and Customs and Border Patrol for their review and that, according to the Department of State, the records are subject to the confidentiality restrictions of 8 U.S.C. §1202(f), and, having considered the Plaintiffs' submission, and the prior pleadings and proceedings in this litigation, and having determined that the records likely contain relevant information concerning Jaithen and his employment for Saudi Arabia in 1999 – 2000, including information about Jaithen's trip to the United States including California in December 1999 – January 2000, his work passport, and representations made by the Kingdom to the United States about Jaithen,

IT IS HEREBY ORDERED that this Court certifies, pursuant to 8 U.S.C. §1202(f)(1), that the information contained in the records concerning Jaithen subpoenaed by the Plaintiffs and in the possession of the Federal Bureau of Investigation is needed by the Court in the interest of the ends of justice in a case pending before the Court.

SARAH NETBURN
United States Magistrate Judge